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OFFICE OF PETITIONS

In re Application of :
Nikoonahad, Lee, Kwak, Edelstein, Zhao & Janik :
Application No. 10/718,126 :
Filed: November 19, 2003 :
Attorney Docket No. TNCR.197US1 :
For: OPTICAL SYSTEM FOR MEASURING :
SAMPLES USING SHORT WAVELENGTH :
RADIATION :

: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed April 22, 2004 (certificate of mailing date April 19, 2004).

The petition is granted.

Petitioners have shown that the non-signing inventor, Mehrdad Nikoonahad, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Attorney James S. Hsue establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, Mr. Nikoonahad orally refused to cooperate in the filing of this application during two telephone conversations with Attorney Hsue that took place in February 2004. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Technology Center 2800 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions